

Message

---

**From:** Vincent Yazzie [vinceyazzie@yahoo.com]  
**Sent:** 4/7/2015 3:47:54 PM  
**To:** Bartlett, Brad [bbartlett@law.du.edu]; Janette Brimmer [jbrimmer@earthjustice.org]  
**CC:** Flynn, Aaron M. [flynna@hunton.com]; Marc Shapp [mshapp@hgmlaw.com]; Dertke, Daniel (ENRD) [Daniel.Dertke@usdoj.gov]; Michael Goodstein [MGoodstein@hgmlaw.com]; Anne Lynch [ALynch@hgmlaw.com]; barthlawoffice@gmail.com; Amanda Goodin [agoodin@earthjustice.org]; Smith, Ryan A. [RSmith@BHFS.com]; Godfrey, Merrill C. [MGodfrey@AKINGUMP.com]; Paul Spruhan [pspruhan@nndoj.org]; Pongrace, Don [dpongace@AKINGUMP.COM]; Wehrum, William L. [wwehrum@hunton.com]; Fichthorn, Norm [nfichthorn@hunton.com]; Anderson, Lea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b8317edf62f74e67bcf42adbdf7785e9-LANDER03]; Lyons, Ann [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ea390c390e41fd84511d6cdc266cee-ALYONS]; Smith, Rodney [rodney.smith@sol.doi.gov]  
**Subject:** Re: Briefing Schedule in Navajo Generating Station Litigation (Nos. 14-73100, 14-73101, and 14-73102)  
**Attachments:** 14-46\_f2qg.pdf

I support the extension as the Justices are cooking up a new meaning for BART. On page 28, Mr. Brownell adds BART to the discussion. More things to consider.

More things to consider from Michigan v. EPA.

Vincent H. Yazzie

On Friday, April 3, 2015 1:41 PM, "Bartlett, Brad" <bbartlett@law.du.edu> wrote:

Aaron,

While we are sympathetic to scheduling difficulties caused by the Hopi's motion, Tribal petitioners concur with the conservation petitioners on this and would not oppose (or consider joining) a motion returning to the prior schedule.

Thanks.

Brad A. Bartlett, Assistant Professor  
University of Denver  
Environmental Law Clinic  
2225 E. Evans Ave., Suite 335  
Denver, CO 80208  
Phone: (303) 871-7870  
Email: [bbartlett@law.du.edu](mailto:bbartlett@law.du.edu)

*Confidentiality Notice: This electronic transmission, and any documents, files or previous electronic messages attached may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read*

*this transmission and that any disclosure, copying, printing, or distribution or use of any of the information contained in or attached to this transmission is prohibited. If you received this transmission in error, please immediately notify the sender by telephone (303) 871-7870, or return email and dispose of the original transmission and its attachments without reading or saving in any manner. Thank you.*

On Apr 3, 2015, at 2:17 PM, Janette Brimmer <[jbrimmer@earthjustice.org](mailto:jbrimmer@earthjustice.org)> wrote:

After discussing this we just can't agree to yet another extension in this case. Again, we are willing to abide by the schedule the court had imposed prior to the stay related to the Hopi motion and it seems like that is the most workable. Thanks.

Janette Brimmer  
Attorney  
Earthjustice Northwest Office  
705 2nd Avenue, Suite 203  
Seattle, WA 98104  
T: 206.343.7340, ext. 1029  
F: 206.343.1526  
[earthjustice.org](http://earthjustice.org)

The information contained in this email message may be privileged, confidential and protected from disclosure.

If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

-----Original Message-----

From: Flynn, Aaron M. [<mailto:flynna@hunton.com>]

Sent: Friday, April 03, 2015 6:49 AM

To: Janette Brimmer

Cc: Marc Shapp; Dertke, Daniel (ENRD); Michael Goodstein; Anne Lynch; vinceyazzie@yahoo.com; Bartlett, Brad; [barthlawoffice@gmail.com](mailto:barthlawoffice@gmail.com); Amanda Goodin; Smith, Ryan A.; Godfrey, Merrill C.; Paul Spruhan; Pongrace, Don; Wehrum, William L.; Fichthorn, Norm; Lea Anderson; Lyons, Ann; Smith, Rodney

Subject: Re: Briefing Schedule in Navajo Generating Station Litigation (Nos. 14-73100, 14-73101, and 14-73102)

Thanks for the suggestion, Janette. We had considered asking for the original schedule to be reinstated but understand that EPA in particular would not support such a request. As a result, we had hoped all parties might agree to the extension instead. Thanks for reaching out to your client.

Aaron

Sent from my iPhone

On Apr 2, 2015, at 8:05 PM, Janette Brimmer  
<jbrimmer@earthjustice.org<mailto:jbrimmer@earthjustice.org>> wrote:

I will check with my clients but I doubt they are willing to push this case back yet again. While waiting to hear from them, let me propose a solution that should help with your conflict which is to return to the schedule we were on which has EPA's response brief due Friday May 15, Intervenor's Friday May 29 (well before your conflict problem) and our final reply due Friday June 12. Given that NPCA and To Nizhoni Ani timely served and filed their briefs when originally due on March 16, neither EPA nor the intervenors will be prejudiced by retaining that schedule.

Janette Brimmer  
Attorney  
Earthjustice Northwest Office  
705 2nd Avenue, Suite 203  
Seattle, WA 98104  
T: 206.343.7340, ext. 1029  
F: 206.343.1526  
earthjustice.org<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.earthjustice.org\\_&d=AwMF-g&c=jxhwBfk-KSV6FFlot0PGng&r=N8SDwJm5TukE\\_VgOb-l2GLugDmQe1rq2Pol5znfGnmY&m=6QnidWzf4WrA6CL4ZsFd3sarTw4oFzdKdj6NQxvqgWI&s=uMtlvOYofkLSqhBjhWGdLInjoJXHUYnoMipDOaeSPo&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.earthjustice.org_&d=AwMF-g&c=jxhwBfk-KSV6FFlot0PGng&r=N8SDwJm5TukE_VgOb-l2GLugDmQe1rq2Pol5znfGnmY&m=6QnidWzf4WrA6CL4ZsFd3sarTw4oFzdKdj6NQxvqgWI&s=uMtlvOYofkLSqhBjhWGdLInjoJXHUYnoMipDOaeSPo&e=>)>

<image002.gif>

The information contained in this email message may be privileged, confidential and protected from disclosure.

If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

From: Flynn, Aaron M. [mailto:[flynna@hunton.com](mailto:flynna@hunton.com)]  
Sent: Thursday, April 02, 2015 1:30 PM  
To: Marc Shapp; Dertke, Daniel (ENRD); Michael Goodstein; Anne Lynch; vinceyazzie@yahoo.com<mailto:[vinceyazzie@yahoo.com](mailto:vinceyazzie@yahoo.com)>; Bartlett, Brad; barthlawoffice@gmail.com<mailto:[barthlawoffice@gmail.com](mailto:barthlawoffice@gmail.com)>; Janette Brimmer; Amanda Goodin; Smith, Ryan A.; 'Godfrey, Merrill C.'; Paul Spruhan; Pongrace, Don; Wehrum, William L.; Fichthorn, Norm; Lea Anderson; Lyons, Ann; Smith, Rodney  
Subject: Briefing Schedule in Navajo Generating Station Litigation (Nos. 14-73100, 14-73101, and 14-73102)

Counsel,

As I'm sure you noticed last week, the Ninth Circuit has provided a new briefing schedule in the Navajo Generating Station litigation for Nos. 14-73100, 14-73101, and 14-73102. Under the new schedule, intervenor briefs are now due on June 12, 2015.

Unfortunately, the primary representative for our client in this litigation will be out of the country June 1 through the 12th, which will complicate preparation of our brief. The

attorneys working on the case here at Hunton also have travel conflicts and conflicts with other significant client obligations the following week of June 15th. Because of these conflicts, I wanted to see if you would be open to a request for a two week extension for the intervenor briefs (making them due June 26) with a similar extension for petitioners' reply briefs, from June 26 to July 10, 2015.

I have spoken with counsel for the other intervenors and EPA, who are also copied here, and they do not object to such a proposal.

If you could let us know your clients' positions on our proposed extension, by close of business tomorrow if possible, we would very much appreciate it. If you have any questions, please get in touch.

Best,

Aaron

<image003.jpg>

Aaron M. Flynn  
Partner  
flynna@hunton.com<mailto:flynna@hunton.com>  
p

202.955.1681

bio<<http://webdownload.hunton.com/esignature/bio.aspx?U=11641>> | vCard<<http://webdownload.hunton.com/esignature/vcard.aspx?U=11641>>

Hunton & Williams LLP  
2200 Pennsylvania Avenue, NW  
Washington, DC 20037  
hunton.com<<http://www.hunton.com/>>

This communication is confidential and is intended to be privileged pursuant to applicable law. If the reader of this message is not the intended recipient, please advise by return email immediately and then delete this message and all copies and backups thereof.

